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Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: June 1, 2010

Name of Appellant: John Vidal

Service Address: Eric Turkington
P.O. Box 654
East Falmouth, MA. 02536

In reference to: 30 Cataumet Street
East Falmouth, MA. 02536

Docket Number: 10-837

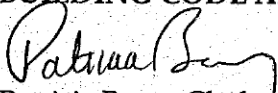
Property Address: 30 Cataumet Street
East Falmouth, MA. 02536

Date of Hearing: 02-04-10

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD


Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 10-837

Appellant(s): John Vidal

vs. Appellee(s): City/Town of East Falmouth

Building Official Eladio Gore

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from the 7th Edition of 780 CMR 120.G501.1 and 780 CMR 120.G601.1, as well as enforcement of 780 CMR 111.1 involving a failure to act by the Building Inspector. The appeal is for the property at 30 Catamuet Street, East Falmouth, MA. In accordance with M.G.L. c. 30A, §§10 & 11; M.G.L. c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on February 4, 2010 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

John Vidal and Eladio Gore appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 120.G501.1 and 780 CMR 120.G601.1, with an additional note that there was no failure to act on the part of the Building Inspector, as his actions were proper. Section 120.G501.1 requires that construction in Flood-Hazard or "A Zones" must be designed and constructed in accordance with 780 CMR 120.G501. Section 120.G601.1 requires that construction in High-hazard or "V Zones" must be designed and constructed in accordance with 780 CMR 120.G601. Section 120.G501.1 requires the plans for construction or improvements to come from a qualified registered professional engineer or architect, while section 120.G601.1.1 requires that a registered design professional provide construction documents involving certain foundation requirements. Portions of the property are in both A and V Zones, with the

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

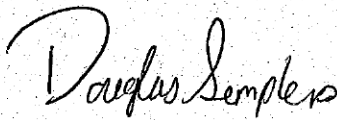
proposed lateral addition being in the A Zone. According to Section 120.G601.1, all lateral additions of a building in a V Zone must be constructed according to this section, rather than the provisions of other sections. The Appellant requested a variance from the sections listed above, as it would be a hardship to construct the proposed lateral addition in accordance with the more stringent standards of 120.G601 rather than the requirements for an A Zone, section 120.G501, which is where the addition is located. There was a second on the motion and board vote was taken, which was unanimous.

Conclusion

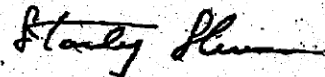
The Appellant's request for a variance from 7th Edition of 780 CMR 120.G501.1 and 780 CMR 120.G601.1 as described in the discussion above and so **ordered**.² It is noted as part of the decision that the Building Inspector acted properly and there was not a failure to act.



Alexander MacLeod



Douglas Semple



Stanley Shuman

Date: June 1, 2010

² In accordance with M.G.L. c. 30A, § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the receipt of this decision.